

**CALENDAR ITEM**

**C11**

A 1

04/20/17

PRC 7953.1

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K. Connor

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Roger Herbert Kahn and Vicki Chez Kahn, Trustees of The Kahn Family Trust 1996, dated April 11, 1996; and Janice M. Corda, as Trustee of the John S. Corda and Janice M. Corda Living Trust dated July 15, 1999

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Lake Tahoe, adjacent to 1360 and 1370 North Lake Boulevard, near Tahoe City, Placer County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing joint-use pier, two boat lifts, and four mooring buoys.

*LEASE TERM:*

10 years beginning April 1, 2017.

*CONSIDERATION:*

\$2,326 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair public access and uses.
3. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within 2 years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of

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the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they may be required to remove the buoys.

4. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

On December 3, 2008, the Commission authorized a Recreational Pier Lease for the existing joint-use pier, two boat lifts, and four mooring buoys to Roger Herbert Kahn, as Trustee of The Roger Kahn 14 Year Qualified Personal Residence Trust; Roger Herbert Kahn, as Trustee of The Roger Kahn 16 Year Qualified Personal Residence Trust; Roger Herbert Kahn, as Trustee of The Roger Kahn 18 Year Qualified Personal Residence Trust; Vicki Chez Kahn, as Trustee of The Vicki Chez Kahn 14 Year Qualified Personal Residence Trust; Vicki Chez Kahn, as Trustee of The Vicki Chez Kahn 16 Year Qualified Personal Residence Trust; Vicki Chez Kahn, as Trustee of The Vicki Chez Kahn 18 Year Qualified Personal Residence Trust; and John S. Corda and Janice M. Corda, as Trustees of the John S. Corda and Janice M. Corda Living Trust Dated June 15, 1999 ([Calendar Item C08, December 3, 2008](#)). That lease expired on March 31, 2017. Between 2013 and 2014, ownership of the upland parcels was transferred to the Applicant. In addition, John S. Corda is deceased.

The Applicant is now applying for a General Lease – Recreational Use for the continued use and maintenance of the existing joint-use pier, two boat lifts, and four mooring buoys.

The improvements facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

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The subject facilities have existed for many years at this location. The pier is built on pilings and the immediate area of the pier is slightly sloped and sandy with large rocks. The topography and the location of upland structures provide access for the pier and allows the public to walk or navigate under the pier within the Public Trust easement. The four buoys are located directly lakeward of the upland parcels and occupy a relatively small area of the lake.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

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3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, or for the foreseeable term of the lease, and is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning April 1, 2017, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, two boat lifts, and four mooring buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, annual rent in the amount of \$2,326, with an annual Consumer Price Index adjustment, and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7953.1**

**LAND DESCRIPTION**

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 5 Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 –JOINT-USE PIER**

All those lands underlying an existing pier, catwalk and two (2) boat lifts adjacent to those parcels described in Exhibit A of that Grant Deed recorded November 17, 2014 as Document Number 2014-0081504 and those parcels described in Exhibit "A" of that Quitclaim Deed recorded March 20, 2013 as Document 2013-0026626 in Official Records of said County.

**TOGETHER WITH** any applicable impact area(s).

**EXCEPTING THEREFROM** any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

**PARCELS 2, 3, 4 & 5 – BUOYS (4)**

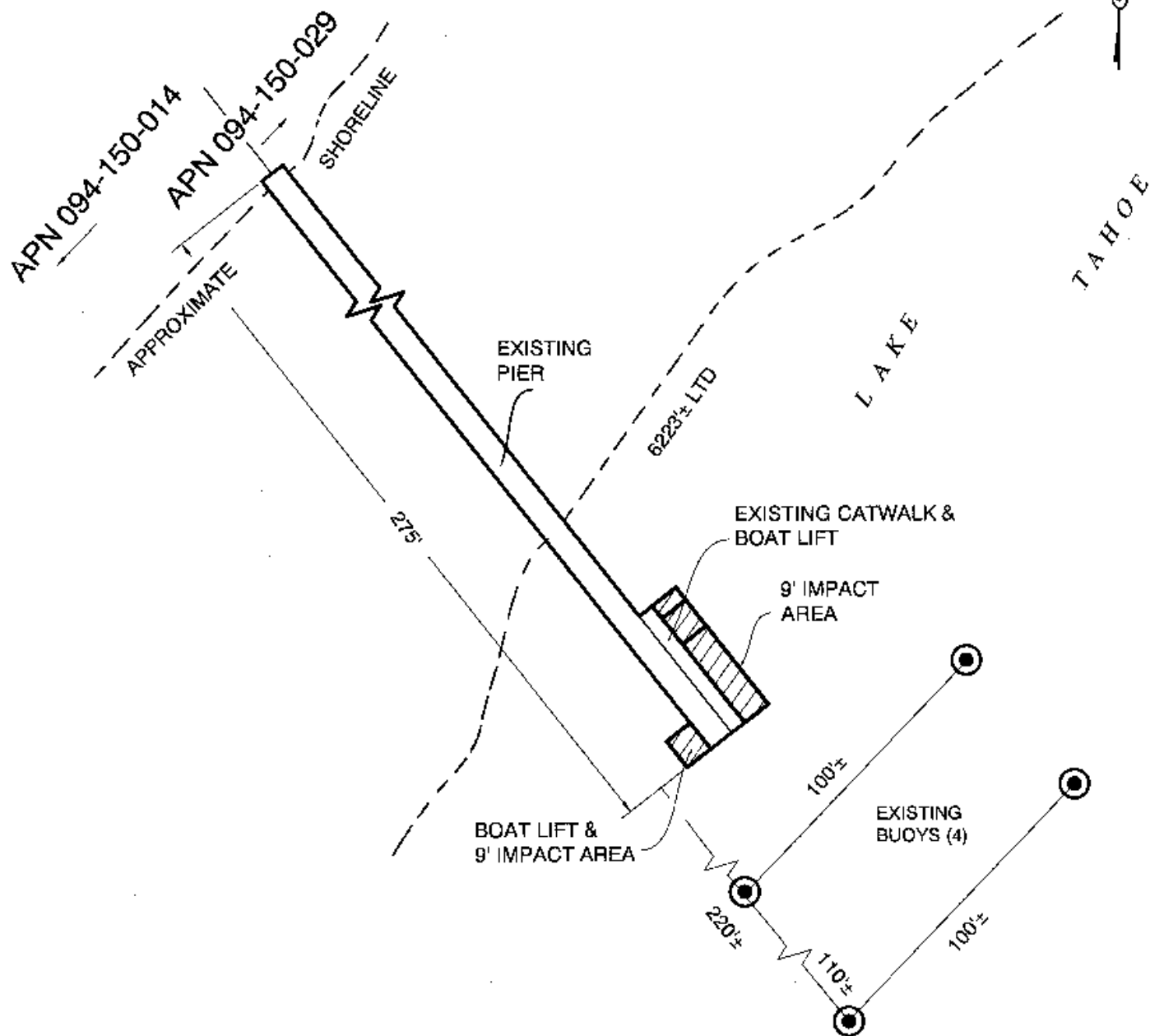
Four (4) circular parcels of land, being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared February 16, 2017 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

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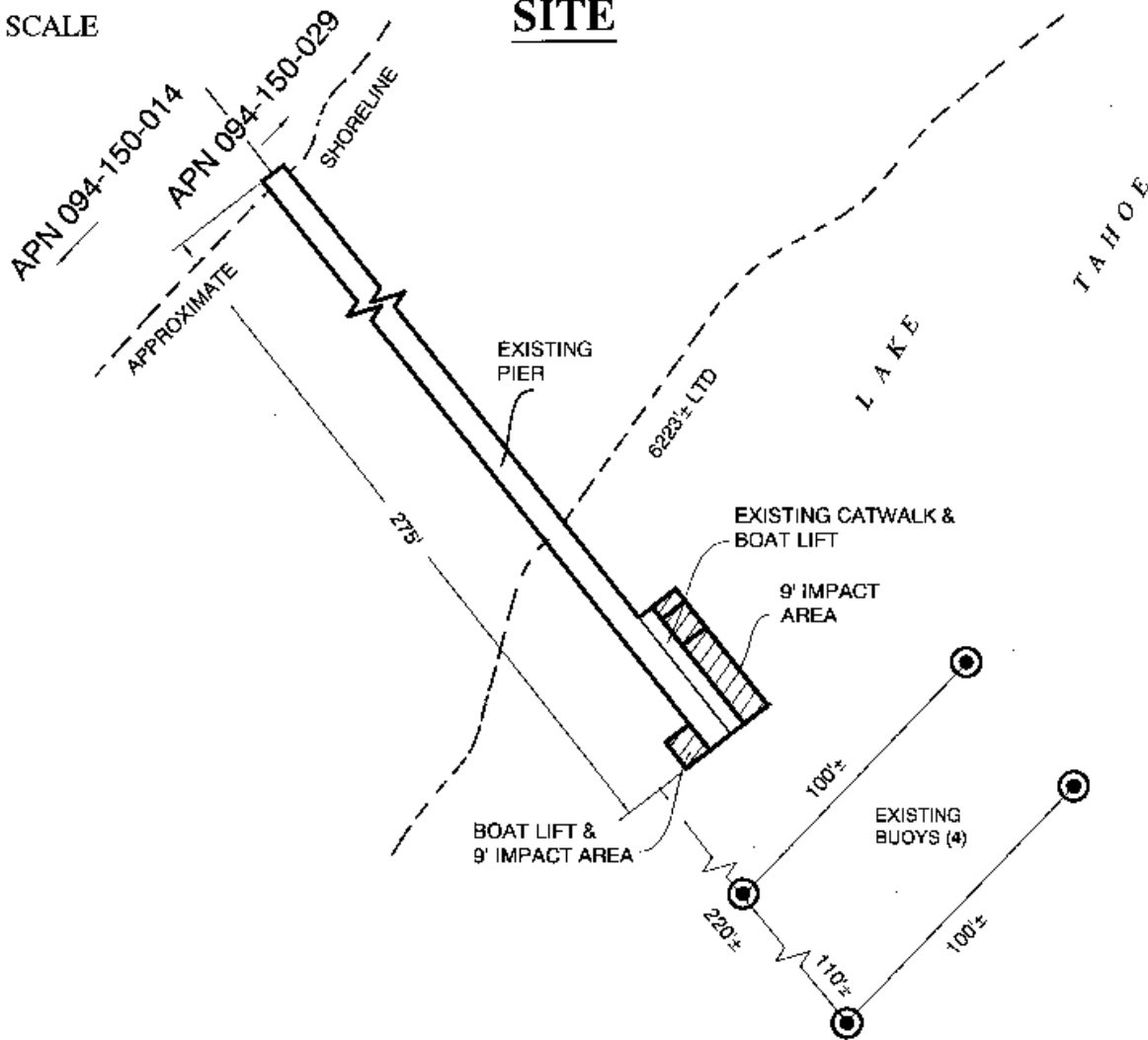
LAND DESCRIPTION PLAT  
PRC 7953.1, KAHN CO-TRUSTEES &  
CORDA TRUSTEES  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

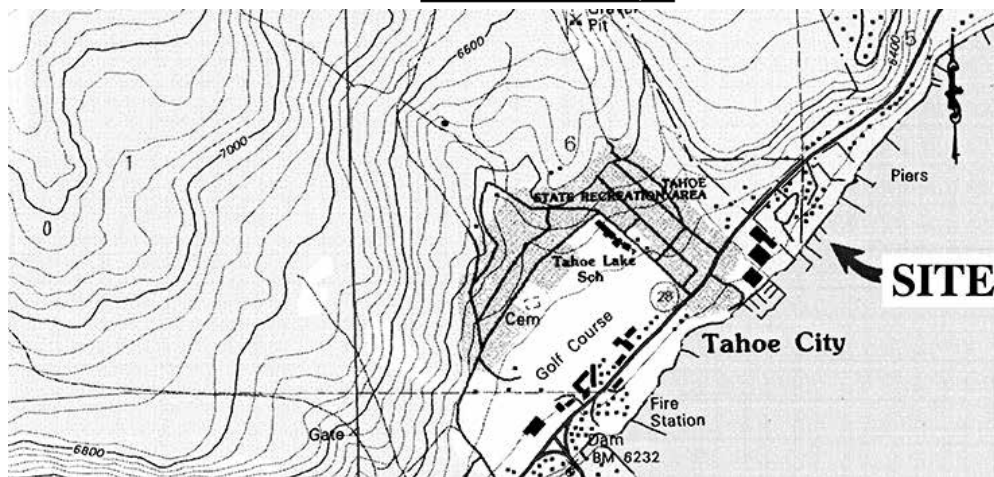
## SITE



1360 & 1370 NORTH LAKE BLVD., NEAR TAHOE CITY

NO SCALE

## LOCATION

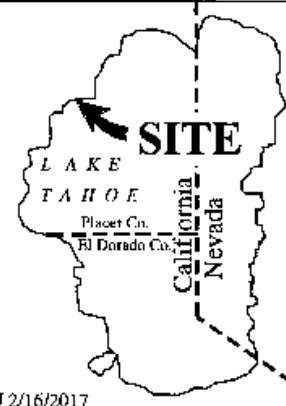


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 7953.1  
KAHN CO-TRUSTEES &  
CORDA TRUSTEES  
APN 094-150-014 &  
APN 094-150-029  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



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